LCA Frequently Asked Questions

Q: What past restoration efforts have supported and led up to the current Louisiana Coastal Area (LCA) study?

A: Development of the LCA Plan was facilitated by the unprecedented level of interagency cooperation and coordination between Federal and state natural resource agencies, parish and local governments, NGOs and members of the academic community and the public that began nearly 20 years ago. Highlights of legislation and other past activities follow:

1989/ Act 6 (Louisiana Coastal Wetlands Conservation, Restoration and Management Act)

* Established the Wetlands Conservation and Restoration Authority, the Louisiana Governor's Office of Coastal Activities, and the Coastal Restoration Division (CRD) within LDNR and designated LDNR as the lead state agency for the development, implementation, operation, maintenance, and monitoring of coastal restoration projects
* Created the Wetlands Conservation and Restoration Fund (WCRF), which dedicates a portion of the state's revenues from severance taxes on mineral production (*e.g.*, oil and gas) to finance coastal restoration activities and projects.
* Requires the state to prepare and annually update a "Coastal Wetlands Conservation and Restoration Plan" to provide location-specific authorizations for the funding of coastal restoration projects from the WCRF.

1990/ CWPPRA (Coastal Wetlands Planning, Protection and Restoration Act) -

* The first Federal statutory mandate for restoration of Louisiana's coastal wetlands – a cost-share partnership between several Federal agencies and the state whose business practices and restoration decisions are strongly influenced by local governmental entities, NGOs and the general public.
* As of 1 May 2004, some 52,000+ acres have either been created, restored or loss prevented through the actions of the Louisiana CWPPR team. Construction on projects benefiting nearly 35,000 additional acres will begin between May 1 and Dec 30, 2004.

The Louisiana CWPPRA team will continue to operate and coordinate their efforts with the LCA Plan team.

1991/ The Caernarvon diversion (8,000 cfs max capacity) has generated significant measurable restoration benefits in the wetlands east of the Mississippi River mainstem, clearly demonstrating the value of freshwater diversions to control salinities as a restoration tool.

1998/ "Coast 2050 – Toward a Sustainable Coastal Louisiana" (Coast 2050 Plan) -

The Coast 2050 Plan was a direct outgrowth of lessons learned from implementation of restoration projects through CWPPRA and reflected a growing recognition that a more comprehensive "systemic" approach was needed. The plan integrates coastal management and coastal restoration approaches, and adopts a multiple-use approach to restoration planning.

1999/ Section 905(b) (WRDA1986) Analysis Louisiana Coastal Area, Louisiana --Ecosystem Restoration The Coast 2050 Plan was the basis for this Corps of Engineers report expressing a Federal interest in proceeding to the next study phase. That report (approved in May 1999) was required to begin work on a Louisiana Coastal Area (LCA) Ecosystem Restoration Study.

2002/ The Davis Pond diversion (10,650 cfs max capacity) has already induced changes but has yet to reach its potential to deliver restoration benefits to the majority of the upper reaches of the Barataria Basin wetlands west of the Mississippi River mainstem.

2000-2004/ Preparation of the LCA Ecosystem Restoration Study and Draft PEIS

During the 2000 – 2002 period, the Corps and the state initiated three restoration studies in specific areas of coastal Louisiana. It became apparent that a coast wide approach to restoration would be a more appropriate course of action.

During the first portion of 2003, the LCA Study team evaluated a suite of restoration features. The evaluation included coordinating with the public on an array of comprehensive restoration features, the method used to determine the cost effectiveness of each one of the features considered, and the process to select a comprehensive coastwide ecosystem restoration plan.

On February 2, 2004, the Corps received guidance in the form of the FY 05 President's Budget Guidance. The guidance directed the Corps to refocus from the larger comprehensive ecosystem restoration plan to a near-term plan that presents the first 10-year or so increment of highly cost effective restoration projects targeting critical need areas.

The Corps and the State have worked together, with parish officials, stakeholders, NGOs, and the public, to formulate a recommended plan for reversing the current trend of Louisiana's coastal ecosystem losses in accordance with the FY 05 Budget Guidance. That study effort produced the LCA Ecosystem Restoration Study report and accompanying Programmatic EIS.

Q: What does the LCA recommended program include?

A: The LCA recommended program includes requests for:

- Authority for five near-term critical restoration features subject to follow-up decision documents ($828 million): MRGO environmental restoration, Barataria Barrier Island sections, diversions at Hope Canal, Myrtle Grove, and Bayou Lafourche—all restoration features have significant restoration benefits in the most critical areas of the coast and have initial design efforts in progress;
- Authorization of a Science and Technology Program which will provide the data and technological tools to facilitate effective program implementation ($100 million over 10 years);
- Authorization of a Demonstration Program to resolve critical technological and engineering uncertainties ($95 million over 10 years);
- Authority for a Beneficial-Use of Dredged Material Program to take advantage of on-going maintenance dredging to restore geomorphic structure and in some cases supplement river water reintroductions ($100 million over 10 years);
- Related Investigations ($145 million) as follows:
    - Investigations of the near-term critical ecosystem restoration features recommended for authorization - $31 Million
    - Investigations of Additional Restoration Features - $ 39 Million
    - Investigations of Project Modifications - $10 Million
    - Investigations of Demonstration Projects - $5 million
    - Investigations of other large-scale concepts - $60 million

Q: What is the approval/authorization mechanism for each of the recommended LCA program components?

A: The LCA Ecosystem Restoration Program recommends 15 near-term features aimed at addressing critical restoration needs. The components currently recommended for authorization include five critical near-term ecosystem restoration features, a demonstration program consisting of a series of demonstration projects, a beneficial use of dredged material program, and a science and technology program. The five-critical near-term ecosystem restoration features, demonstration projects, and beneficial use of dredged material projects are all subject to the approval of feasibility level of detail decision documents by the Secretary of the Army. Sufficient authority exists to initiate a number of related investigations. The investigations of the additional ten restoration features would be conducted in anticipation of recommending the features for future authorization for part of the LCA Ecosystem restoration program.

Q: What is the sponsor's position on guidance instructing the Corps to focus on near-term, critical needs?

A: The sponsor agreed that it is appropriate to detail a near-term set of projects that address the most critical ecological needs of the LCA-they are especially interested in receiving authority which will expedite eventual construction of the most critical projects. The sponsor supports the guidance to conduct further studies of larger-scale, longer-term restoration concepts. The sponsor is also very interested in the LCA supporting eventual development of a "comprehensive" blueprint for coastal restoration.

Q: What restoration efforts does the LCA recommended program suggest would be undertaken beyond the first 5-10 years?

A:

- The fifteen identified critical restoration features are intended to be into construction (but not complete) at the end of the next 10 years. This construction and eventual operation would continue until complete.
- The LCA Plan includes a requirement for the Secretary of the Army to complete a five-year "Report to Congress" twice during the 10-year implementation period. Based upon the adaptive management process, including lessons learned from the science and technology program and restoration features constructed to date, this "Report to Congress" will detail necessary actions and projects to continue on the path to achieving the LCA restoration objectives.
- The five studies of large-scale long-term restoration concepts would likely conclude within the first 10 years with recommendations for development of specific constructible elements.

Q: How is the $100 million S&T program integrated into LCA Program Management?

A: The S&T Office Director would work directly for the LCA Program Manager (at the Mississippi Valley Division). The Director would coordinate all efforts within the S&T Program to support both program-level and project-level S&T requirements. The S&T team would have a role in all phases of project studies, from initial scoping, to feasibility-level decision document preparation, to project monitoring plan development, to project assessment, to developing adaptive management recommendations to the program manager based on this assessment.

Q: How will peer review be incorporated into LCA program implementation?

A: All scientific investigations and project studies would be subject to a ***peer review*** by an independent panel of experts as determined by the S&T Director. A panel of experts shall be composed of independent experts who represent a balance of areas of expertise suitable for the review being conducted. The peer review could include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.

Additionally, implementation of the LCA Science & Technology Program will include a Science Board (SB) that will periodically review the S&T Program and prepare reports that provide recommendations and advice to the Program Manager and Director of the S&T Office. The purpose of these reviews and reports would be to provide an ***independent assessment*** of the program. The Director of the S&T Office would keep regular communication with the SB between formal review sessions. Additionally, the SB would:

- Review the LCA program to identify gaps in scientific information and adaptive management tools and strategies;
- Recommend tools, processes, and methodologies from a review of current research to improve ongoing LCA restoration efforts;
- Work closely with the Director to review recommended changes that are needed in the applied science strategies of the restoration program;
- Possibly recommend establishing new science initiatives, innovative restoration tools, and other challenging research and development issues; and
- Report to Program Management and the Director of the S&T Office regarding the effectiveness of science and technology program to meet the science and information needs of the restoration program.

Q: What is the relationship between the LCA recommended program components and projects currently on the CWPPRA priority project lists?

A: Some of the near-term critical restoration features identified in the LCA Study already have some level of investigation and design effort completed under CWPPRA. Approval of the recommended plan, especially the authorized elements, would present an opportunity to expeditiously move towards implementation of some of these features that would take

longer if they proceeded under the CWPPRA program. This would enable CWPPRA to potentially refocus or reprioritize its priority project lists towards other important restoration efforts that complement LCA program elements. The CWPPRA features would continue to provide restoration benefits, as well as lessons learned to the larger-scale and longer-term restoration efforts undertaken within LCA.

Q: Who are the partner agencies involved in the LCA and how have they contributed to the Corps-State effort?

A: The following Federal agencies are formal Cooperating Agencies for the LCA Study: MMS, NRCS, NMFS, USEPA, USFWS, and the USGS. The technical input provided from these agencies during the planning, evaluation and report development has greatly contributed to the completeness and correctness of the study. Continued cooperation and collaboration will greatly assist in effective plan implementation as well.

Q: What federal/non-federal cost-share percentages does the Corps recommend be applied to the LCA program components?

A:

	Draft LCA (July 04)	*FYI: State's Views (July 04)*
Feasibility-level decision documents (includes NEPA)	**50/50 (Fed/non-Fed)**	**50/50**
Construction (PED, E&D, S&A)	**65/35**	**75/25**
Real Estate	**0/100**	**0/100**
Science and Technology program (includes demonstration projects)	**65/35**	**75/25**
Beneficial use dredged material program	**75/25 (same as Sn. 206 CAP for beneficial use)**	**75/25**
Modification of existing structures program	**65/35**	**75/25**
Operation, maintenance, repair, replacement, and rehabilitation	**0/100**	**75/25**

Q: What is the status of the oyster lawsuit and how is that expected to effect implementation of the LCA program?

A: Elements of the public expressed concern that restoration efforts, particularly projects that would involve freshwater diversions, would affect existing oyster beds via lowering salinity levels, thereby creating a situation where excessive compensation for potentially affected oyster leases would be necessary. On the contrary, payments would be made for just compensation, in accordance with Louisiana and federal law, rather than excessive compensation. Specifically, as noted in Section 4 of the LCA main report, if oyster leases are anticipated to be adversely impacted by a project, then such leases will be acquired and just compensation will be made.

However, given the recent Louisiana Supreme Court decision in Avenal v. State, in many instances an oyster leaseholder may not be entitled to just compensation under Louisiana law. In Avenal, a number of oyster leaseholders had filed suit against the State for damage allegedly due to operation of the Caernarvon Freshwater Diversion Project. The Louisiana Supreme Court dismissed the majority of the claims on grounds that the particular oyster leases had express indemnification provisions that held the State harmless from any loss or damage resulting from coastal restoration projects such as Caernaron. As for the remaining few plaintiffs, whose leases did not include such indemnification provisions, the Court dismissed their claims on grounds that they had not timely filed damage claims against the State.

Q: What are the implications of no action to the linked economic sectors?

A: Without completing a full NED analysis, initial linkages and potential impacts have been estimated:

- Oil and Natural Gas supplies and infrastructure (26% of the nation's oil and gas passes through coastal Louisiana)—continued escalation in O&M to harden facilities and possible abandonment of some sites is projected
- Navigation Industry (#1 port complex by tonnage in the nation)—higher risk to storm-induced closures of key reaches of navigation canals, the mainstem Mississippi River, and the Gulf Intracoastal Waterway
- Fisheries ($343 million Louisiana fisheries revenues are the largest in the lower 48 states)—would experience losses in some species with significant salinity changes
- Recreation and Tourism—hunting, fishing, birding; and ecotourism are all significant and would be diminished by significant habitat changes to open water
- Hurricane and storm surge buffer to population of 2,000,000+